



Order Filed on August 23, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

MELLINGER KARTZMAN LLC

101 Gibraltar Drive, Suite 2F

Morris Plains, New Jersey 07950

Judah B. Loewenstein, Esq.

Tel. (973) 267-0220

jloewenstein@mkslaw.net

Attorneys for Steven P. Kartzman, Chapter 7 Trustee

In re:

ALICIA JONES,

Debtor.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

Case No.: 18-32198 (VFP)

Chapter 7

Honorable Vincent F. Papalia

**CONSENT ORDER RESOLVING CLAIM FOR
TURNOVER OF PROPERTY OF THE
ESTATE TO THE TRUSTEE PURSUANT TO 11 U.S.C. § 542(a)**

The relief set forth on the following pages is hereby **ORDERED**.

DATED: August 23, 2021

A handwritten signature in black ink, appearing to read "Vincent F. Papalia", written over a horizontal line.

**Honorable Vincent F. Papalia
United States Bankruptcy Judge**

Page 2 of 4

Debtor: Alicia Jones

Case No.: 18-32198 (VFP)

Caption: Consent Order Resolving Claim for Turnover of Property of the Estate to the Trustee Pursuant to 11 U.S.C. § 542(a)

THIS MATTER having been brought before the Court by Steven P. Kartzman, the Court-appointed Chapter 7 Trustee (the “Trustee”), by and through his attorneys Mellinger Kartzman LLC, on application for entry of a Consent Order in lieu of motion resolving claim for turnover of property of the estate to the Trustee Pursuant to 11 U.S.C. § 542(a), and all parties with an interest having been properly served, and the Trustee, the debtor, Alicia Jones (the “Debtor”), and the Internal Revenue Service (“IRS”) having agreed to amicably resolve the issues between the estate, the Debtor and the IRS on the terms set forth herein, as appears from the signatures of counsel affixed hereto, it is hereby

ORDERED AS FOLLOWS:

1. Within ten days of the entry of this Order the Debtor shall pay to the Trustee the sum of \$10,000.00 (the “Settlement Amount”), which represents the appraised value of two vehicles owned by the Debtor: a 2008 Mercedes-Benz ML63 AMG 4MATIC Sport Utility 4 Door (the “Mercedes-Benz”) appraised at \$6,500.00 and a 2007 BMW 650i 2 Door Coupe (the “BMW”) appraised at \$3,500.

2. To the extent that the Debtor fails to make the required payment of the Settlement Amount, the Trustee shall file a certification of default with the Court on notice to the Debtor. Should the Debtor fail to cure the default within ten (10) days of the filing of a certification of default, the Court shall:

- a. Enter a non-dischargeable judgment against the Debtor in an amount equal to 1.5 times the Settlement Amount, less any payments made to the Trustee (the “Judgment”); and

Page 3 of 4

Debtor: Alicia Jones

Case No.: 18-32198 (VFP)

Caption: Consent Order Resolving Claim for Turnover of Property of the Estate to the Trustee Pursuant to 11 U.S.C. § 542(a)

b. Enter an order revoking the Debtor's discharge pursuant to 11 U.S.C. § 727(d).

3. Once the Trustee receives the Settlement Amount, the Trustee shall file a Notice of Abandonment as to the Mercedes Benz and the BMW.

4. The Debtor shall be entitled to exempt \$8,000.00 pursuant to 11 U.S.C. §§ 522(d)(2) and (d)(5) in order to fully exempt the Debtor's 2011 Land Rover Ranger Rover Sport HSE Luxury 4 Door Suv (the "Land Rover").

5. The IRS voluntarily waives its rights pursuant to 11 U.S.C. § 522(c)(2)(B) as it pertains to the Debtor's use of exemptions pursuant to 11 U.S.C. §§ 522(d)(2) and (d)(5) in order to fully exempt the Land Rover. The IRS does not waive its rights pursuant to 11 U.S.C. § 522(c)(2)(B) as it pertains to the Mercedes-Benz and the BMW.

6. The parties hereto shall execute any and all documents and pleadings reasonably necessary to implement all of the foregoing provisions.

7. The terms of this Consent Order are subject to the Court's approval and the issuance of a Notice of Settlement (the "Notice") and the following:

- (a) If no objection to the Notice is filed, the issuance and docketing of a Certification of No Objection by the Clerk of the Bankruptcy Court; or
- (b) If any objection to the Notice is filed, the overruling of any such objection by this Court.

In the event that an objection to the settlement is filed and sustained, the parties shall be restored to their pre-settlement positions.

8. The parties, and anyone who succeeds to their rights and responsibilities hereunder, including their successors and/or assigns, are bound by this Consent Order. This

Page 4 of 4

Debtor: Alicia Jones

Case No.: 18-32198 (VFP)

Caption: Consent Order Resolving Claim for Turnover of Property of the Estate to the Trustee Pursuant to 11 U.S.C. § 542(a)

Consent Order is made for the benefit of the parties and all who succeed to their rights and responsibilities.

9. The Bankruptcy Court shall retain exclusive jurisdiction to adjudicate all matters arising under or in connection with this Consent Order.

*The undersigned hereby consent to
the form and entry of the within Order:*

MELLINGER KARTZMAN LLC
Attorneys for Trustee

LAW OFFICES OF
MICHELLE LABAYEN
Attorneys for Debtor

By: /s/ Judah B. Loewenstein
JUDAH B. LOEWENSTEIN, ESQ.

By: /s/ Michelle Labayen
MICHELLE LABAYEN, ESQ.

Dated: August 13, 2021

Dated: August 12, 2021

UNITED STATES ATTORNEY'S OFFICE
Attorneys for the Internal Revenue Service

By: /s/ Eamonn O'Hagan
Eamonn O'Hagan, ESQ.

Dated: August 10, 2021